

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN RAINFORD,

Defendant.

18-Cr-289 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

Defendant Ryan Rainford moves for release on bail pending appeals of his conviction and this Court's subsequent denial of his renewed motion for compassionate release. (ECF No. 329.) Pursuant to 18 U.S.C. § 3143(b), the statute governing release pending appeal, "a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal [shall] be detained" unless two criteria are met. *Id.* § 3143(b)(1). First, a court must find "by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released" *Id.* § 3143(b)(1)(A). Next, a court must find that "the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in (i) reversal, (ii) an order for a new trial, (iii) a sentence that does not include a term of imprisonment, or (iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process." *Id.* § 3143(b)(1)(B). Defendant fails to meet either of these criteria. As this Court cannot find that Rainford does not pose a danger to the safety of any other person or the community, and because defendant fails to show that his appeal "raises a substantial question of law or fact" and is not "for the purpose of delay,"

IT IS HEREBY ORDERED that Rainford's motion for release on bail pending appeal is denied. The Clerk of Court is directed to mail a copy of this Order to Mr. Rainford [85592-054], FCI Fort Dix, Federal Correctional Institution, P.O. Box 2000, Joint Base MDL, NJ 08640, and note the mailing on ECF.

Dated: New York, New York
December 18, 2020

SO ORDERED



SIDNEY H. STEIN
U.S.D.J.